

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8414 of 2019

Md. Muslim aged about 67 years, Male, Son of Pir Mohammad, Resident of Ward No.21, Near SC/ST Thana, Anwarpur Chowk, P.S.-Hajipur, District -Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. The Chief Election Commissioner, Bihar State Election Commission, Patna, Bihar
3. The Principal Secretary, Urban Development and Housing Department, Bihar, Patna
4. The District Magistrate, Vaishali at Hajipur
5. The Sub divisional Officer, Hajipur, Vaishali
6. The Executive Officer, Nagar Parishad, Hajipur
7. Smt. Rama Nishad W/o Ajay Nishad Resident of Mohalla-Hathsarganj, Ward No.1, P.S.-Hajipur Town, District-Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Alok Ranjan, Advocate
For the State	:	Mr. Rakesh Ambastha, A.C. to AAG7
For the Nagar Parishad	:	Mr. Kumar Manish, Advocate
For the B.S.E.C.	:	Mr. Amit Shrivastava, Advocate
		Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioner, learned counsel representing the Hazipur Municipality, learned counsel for the State and learned counsel for the State Election Commission.

The grievance of the petitioner is that his application as contained in Annexure '2' dated 12.09.2018 is not being considered by the Election Commissioner, Bihar State Election Commission. It appears that from reading of the application (Annexure '2') that one Smt. Rama Nishad, who is also a Ward



Member, is not attending the meetings of the Board and since she has failed to attend the Board Meetings on three consecutive occasions, according to the petitioner Section 18(1)(n) of the Bihar Municipality Act, 2007 stands attracted and she would incur a disqualification.

At this stage without going into the merit of the contention of the petitioner, this court would direct the Election Commissioner to look into the application of the petitioner, as contained in Annexure '2' to the present writ application, consider the same and take an appropriate decision in accordance with law after hearing all concerned. The State Election Commission shall consider the maintainability of the application as one of the issues. It will be open for the parties to raise all such contentions which may be available to them either in support or against the application.

It is expected that the application will be considered and disposed of within a period of three months from the date of receipt/production of a copy of this order.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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